THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

DAVID F. PIETRYKA, HELEN : PIETRYKA, and DAVID P. PIETRYKA :

:

Plaintiffs, : 3:24-CV-00915

(JUDGE MARIANI)

v.

:

UNITED STATES OF AMERICA

:

Defendant.

<u>ORDER</u>

AND NOW, THIS ______DAY OF FEBRUARY 2025, upon consideration of Defendant's motion to dismiss for lack of subject-matter jurisdiction, (Doc. 5), IT IS

HEREBY ORDERED THAT: Defendant's motion, (Doc. 5), will be GRANTED IN PART AND DENIED IN PART as follows:

- Defendant's motion to dismiss Count I, alleging negligence under the Federal Tort Claims Act, is **DENIED**.
- Defendant's motion to dismiss Count II, alleging violations of the Pennsylvania
 Wage Payment & Collection Law, is GRANTED. Count II is dismissed
 WITHOUT PREJUDICE to allow Plaintiffs to proceed in an appropriate forum.

Case 3:24-cv-00915-RDM

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Robert D. Mariani

United States District Judge